

SENATE BILL REPORT

SB 5907

As of February 16, 2009

Title: An act relating to limiting mandatory overtime for corrections officers and sergeants employed by a city or county jail.

Brief Description: Limiting mandatory overtime for corrections officers and sergeants.

Sponsors: Senators Keiser, Swecker and Roach.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/16/09.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Kathleen Buchli (786-7488)

Background: Certain employees of health care facilities cannot be required to work overtime, and any attempt to compel or force overtime work is contrary to public policy. Any requirement to work overtime contained in a contract, agreement, or understanding is void. Acceptance of overtime is voluntary, and the refusal to accept overtime work is not grounds for discrimination or dismissal.

The prohibition on overtime work does not apply when there is an unforeseeable emergent circumstance; the employee has prescheduled on-call time; when the employer documents a reasonable effort to obtain staffing; or when an employee is required to work overtime to complete a patient care procedure already in progress.

Summary of Bill: Corrections officers employed by a city or county jail located in a county with a population of more than 1,500,000 may not be required to work more than four hours of overtime per day. The same protections and exemptions afforded to health care facility employees are afforded to these corrections officers. The unforeseeable emergent circumstance exception for overtime is expanded to include events that pose a substantial risk to public safety or the safety of other corrections officers.

Appropriation: None.

Fiscal Note: Not requested.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This will limit mandatory overtime to four hours. Mandatory overtime has increased every year. Some officers have back to back overtime shifts, several days in a row. This is a health and safety issue and continues to be a problem. We need some relief to assist our officers. We are not trying to eliminate overtime, but are trying to put reasonable parameters on it. We are willing to take the cities out of the bill. There are hundreds of state prisoners in King County jails; there is a state interest in making these safe places to work. Excessive mandatory overtime is destructive and harmful.

CON: We agree that mandatory overtime is a bad thing. However, to provide safe conditions for inmates and staff, we need to maintain a certain level of staffing. We have added additional corrections officers positions in 2008. It is questionable that the bill provides for four hours of mandatory overtime, and there is some internal inconsistency in the language. The biggest problem is finding people who are able to do the work. We cannot compromise the quality of people we hire.

Persons Testifying: PRO: Mark Gjurasic, Arne Walker, King County Adult Corrections Guild; Randy Weaver, Mike Music, King County Corrections Guild.

CON: Mike West, King County Department of Adult and Juvenile Detention.